

Message Text

PAGE 01 STATE 160816

40

ORIGIN OFA-01

INFO OCT-01 EUR-12 ISO-00 JUSE-00 L-03 DLOS-04 CIAE-00

INR-07 NSAE-00 SAJ-01 SP-02 INRE-00 SSO-00 NSC-05

NSCE-00 /036 R

DRAFTED BY OES/OFA/FA:LNSCHOWENGERDT:SAC

APPROVED BY OES/OFA/FA:LNSCHOWENGERDT

EUR/EE - MR. MOSHER

DEPT. OF JUSTICE - MR. TAFE

----- 110070

O P 091343Z JUL 75

FM SECSTATE WASHDC

TO AMEMBASSY SOFIA IMMEDIATE

INFO DEPARTMENT OF JUSTICE

US ATTORNEY BOSTON MASS

UNCLAS STATE 160816

E.O. 11652: N/A

TAGS: EFIS, BU

SUBJECT: BULGARIAN F/V ARGONAUT

REF: SOFIA 1381

1. DEPT. HAS DISCUSSED REFTTEL WITH US ATTY IN BOSTON AND WITH DEPT. OF JUSTICE. IT IS APPARENT THAT SOME CONFUSION OR MISUNDERSTANDING EXISTS BETWEEN THE TWO SIDES ON THE TIMING OF PAYMENT AND SETTLEMENT. DEFENSE ATTY HAS APPARENTLY BEEN UNABLE TO SATISFACTORILY EXPLAIN SITUATION TO HIS CLIENTS.

2. US LAW AND STANDARD COURT PROCEDURE GENERALLY REQUIRE THAT PAYMENT, AS EVIDENCE OF CIVIL SUIT SETTLEMENT, BE MADE BEFORE RPT BEFORE PLAINTIF WITHDRAWS SUIT IN COURT. THAT IS, OUR DEFINITION OF AN OUT OF COURT SETTLEMENT, RESULTING UNCLASSIFIED

PAGE 02 STATE 160816

IN WITHDRAWAL OF SUIT FROM COURT, INCLUDES PAYMENT AS NECESSARY CONDITION TO SETTLEMENT. THIS APPARENTLY IS CENTRAL POINT OF MISUNDERSTANDING. IT IS NOT A MATTER OF LEGALIZING A SETTLEMENT. SETTLEMENT OF A CIVIL SUIT IS REACHED BY

AGREEMENT BETWEEN THE TWO SIDES.

3. AS TO THE CRIMINAL CHARGE AGAINST THE MASTER, THE COURT WILL HEAR THE MASTERS PLEA AND RENDER A JUDGEMENT AT THE SAME TIME THAT THE US ATTY ANNOUNCES SETTLEMENT OF THE CIVIL SUIT AGAINST THE VESSEL AND OFFICIALLY WITHDRAWS THE CIVIL CHARGE. THE COURT PREFERS TO DO BOTH AT THE SAME TIME, AND, SINCE THE AGREEMENT BETWEEN THE PARTIES PROVIDES THAT THE TOTAL MONETARY PENALTY IS 425 THOUSAND DOLLARS, THE FINAL FIGURE IN THE CIVIL SUIT OF COURSE DEPENDS ON THE AMOUNT OF THE CRIMINAL JUDGEMENT.

4. THE DEPT. AND THE US ATTY THEREFORE PROPOSE THAT THE DEFENSE ATTY AND HIS CLIENTS ARRANGE WITH THE US ATTY TO MEET IN COURT AS SOON AS POSSIBLE WITH CASH OR CERTIFIED CHECK IN HAND TO CONDUCT THE ABOVE PROCEDURE. THE US ATTY WILL NOT REQUIRE PAYMENT IN ADVANCE OF THE COURT APPEARANCE, BUT PAYMENT MUST BE MADE AT THE TIME OF THE COURT APPEARANCE.

5. THE US IS AT LEAST AS ANXIOUS AS THE GOB TO CONCLUDE THIS CASE AND RETURN THE SHIP TO SEA, AND DOES NOT FEEL THAT ANY DELAYS HAVE BEEN INTERPOSED BY THE US. (IT SHOULD BE NOTED THAT APPLICABLE LAW AND PROCEDURE IN THIS CASE IS US, NOT BULGARIAN.) THE US SINCERELY REGRETS, HOWEVER, ANY MISUNDERSTANDING WHICH MAY HAVE CONTRIBUTED TO DELAY.

6. THIS INFO HAS BEEN PASSED TODAY TO EMBOFF OF BULGARIAN EMBASSY HERE IN HOPES OF RAPID SETTLEMENT. FYI THE JUDGE IN THIS CASE GOES ON VACATION THIS WEEKEND AND IT MIGHT BE QUITE DIFFICULT TO GET CASE ASSIGNED TO ANOTHER JUDGE. WE HAVE ADVISED EMBOFF OF THIS AND SUGGESTED HE PUSH FOR COURT APPEARANCE AS RECOMMENDED ABOVE. KISSINGER

UNCLASSIFIED

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ARGONAVT, COURT DECISIONS, FISHING BOATS, SHIP DETENTION
Control Number: n/a
Copy: SINGLE
Draft Date: 09 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE160816
Document Source: ADS
Document Unique ID: 00
Drafter: OES/OFA/FA:LNSCHOWENGERDT:SAC
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: D750236-0880
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t197507104/baaaaosd.tel
Line Count: 90
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN OFA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: hartledg
Review Comment: n/a
Review Content Flags:
Review Date: 23 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 APR 2003 by ThomasVJ>; APPROVED <18 MAR 2004 by hartledg>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> mcm 971008
Subject: n/a
TAGS: EFIS, BU
To: SOFIA INFO DEPARTMENT OF JUSTICE
US ATTORNEY BOSTON MASS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006